

A&O SHEARMAN

599 Lexington Avenue
New York, NY 10022
Tel: +1.212.848.4000
Fax: +1.212.848.7179

matthew.craner@aoshearman.com
+1.212.848.5255

VIA ECF

The Honorable Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

MEMO ENDORSED

January 2, 2025

Re: Indus Apparel, USA Inc. v. Bangladesh Export Import Company Ltd., 23-cv-10426-KPF

Dear Judge Failla:

We write on behalf of Bangladesh Export Import Company Ltd. (“Beximco”) in response to the December 12, 2024 letter, Dkt. 74 (the “Letter Motion”), filed by Indus Apparel, USA Inc., which “seek[s] leave to file redacted or under-seal versions of Indus’s motion for leave to amend its complaint . . . and certain exhibits to that Motion.”

Indus’s Letter Motion noted that Indus “leaves it to Beximco to justify the sealing of these documents in its response to the Motion [for leave to amend],” even though Indus did not inform Beximco before filing the Letter Motion and did not ask Beximco’s position with respect to sealing or redacting any document.

For the sake of clarity, Beximco is not seeking to seal or redact the documents referenced in Indus’s Letter Motion and therefore Beximco takes no position on the Letter Motion’s request to file redacted or under-seal versions of the documents.

Please let us know if any further information would be helpful to the Court.

AOSHEARMAN.COM

Allen Overy Shearman Sterling US LLP is a limited liability partnership organized under the laws of the State of Delaware. Allen Overy Shearman Sterling US LLP is affiliated with Allen Overy Shearman Sterling LLP, a limited liability partnership registered in England and Wales with registered number OC306763 and with its registered office at One Bishops Square, London E1 6AD. It is authorized and regulated by the Solicitors Regulation Authority of England and Wales (SRA number 401323). The term partner is used to refer to a member of Allen Overy Shearman Sterling LLP or an employee or consultant with equivalent standing and qualifications. A list of the members of Allen Overy Shearman Sterling LLP and of the non-members who are designated as partners is open to inspection at its registered office at One Bishops Square, London E1 6AD.

Respectfully submitted,

ALLEN OVERY SHEARMAN STERLING US LLP

By: /s/ Matthew L. Craner

Matthew L. Craner

Bradley S. Pensyl

Daniel Kahn

599 Lexington Ave.

New York, New York 10022

Telephone: (212) 848-4000

matthew.craner@aoshearman.com

bradley.pensyl@aoshearman.com

daniel.kahn@aoshearman.com

Gideon J. Duke-Cohan

One Beacon Street

Boston, Massachusetts 02108

Telephone: (857) 353-4500

gideon.duke-cohan@aoshearman.com

Grace Song

1101 New York Ave NW

Washington, DC 20005

Telephone: (202) 683-3800

grace.song@aoshearman.com

*Attorneys for Bangladesh Export Import
Company Ltd.*

The Court is in receipt of Plaintiff Indus Apparel, USA Inc.'s ("Indus") request to file its motion for leave to amend under seal, and Defendant Bangladesh Export Import Company Ltd.'s ("Beximco") above response. (Dkt. #74, 79).

In Indus's letter motion to seal, Indus states that it takes no position on whether the information contained in its motion to amend and the exhibits attached thereto require sealing by this Court, but makes its request solely because Beximco "designated these materials as Confidential or Highly Confidential under the governing protective order." (Dkt. #74). In response, Beximco states that it is not seeking to seal or redact the documents referenced by Indus and "takes no position" on Indus's letter motion to seal. (Dkt. #79).

As neither party has offered a basis to justify the sealing of these materials, Indus's motion to seal is hereby DENIED. The Clerk of Court is directed to unseal docket entry 76.

The Clerk of Court is further directed to terminate the pending motion at docket entry 74.

Dated: January 3, 2025
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE